

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR18-2945 WJ

Date: 10/12/2022

Parties: USA v. Leveille, et al.

Courtroom Clerk/Law Clerk: R. Garcia/E. Franke & Will Sues

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: Scheduling Conference

Place of Court: Albuquerque - ZOOM

Total time in Court: 18 minutes

Evidentiary Hearing: NO

Attorneys Present for Plaintiff(s):

Jackson Hall, George Kraehe, and Frank Russo

Attorneys Present for Defendant(s):

Aric Elsenheimer, Angelica Hall, Thomas Clark, Erlinda Johnson, Marshal Ray, Donald Kochersberger, Justin Fox-Young, Ryan Villa, Matthew Beck, and Joseph Shattuck

Proceedings:

2:02 Court in session; counsel enter appearances; defendants not present.

The Court asks the Government when they believe this matter may be ready for trial; Mr. Hall advises there will be some CIPA litigation to deal with and the Government will be filing a CIPA motion for pretrial conference; estimates trial to last about 3 weeks, all inclusive; will have about 20 witnesses; currently working on plea offers; believes ready for trial by the Fall of 2023.

The Court addresses motions from defendants; understanding there may be motions particular to each defendant, asks if there will be motions that may be common to all defendants; Mr. Villa believes there will be motions common to all defendants; Court asks if there would be any opposition to defense counseling conferring and filing one motion when common to all defendants; Mr. Villa believes that could be done and the filing party or parties can ID who is joining.

The Court asks if the stay in this case may be lifted; Mr. Villa advises that, if Mr. Morton's competency

order has been entered, he believes the stay can be lifted; counsel all agree; Court will enter an order lifting the stay.

The Court asks counsel if they agree with the Government's estimate for trial in the Fall of 2023; Mr. Clark agrees; but, notes it may be a 4 to 5 week trial; Ms. Johnson believes it may be a late 2023 or early 2024 trial; Mr. Ray agrees with Fall of 2023; Mr. Villa would like to go as soon as possible; understand the circumstances and would like to go no later than Fall of 2023; Mr. Beck agrees with Fall of 2023; Court agrees and notes the goal is Fall of 2023; suggests a lead counsel with which other can join.

Mr. Hall advises the Government will file its CIPA motion; notes he does not believe it will be quite as extensive as the Court's other CIPA case, Wilson.

Mr. Clark wished to note his client, Sira Wahhaj, wanted to attend this hearing and requests to be present at all subsequent hearings; believes all the defendants request same; Court notes it determined this scheduling hearing was not a critical stage; advises defendants will be present for all critical stages.

Mr. Elsenheimer suggests counsel submit a proposed case management/scheduling order to the Court; Court agrees and notes that, if counsel are not able to agree on one, the Court can hold a hearing.

2:20 Court in recess.